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PATRICK E. DUFFY, CLERK

BY _____

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEO O. BERGTOLL,

Defendant.

CR 09-02-BLG-JDS-1

FINDINGS AND
RECOMMENDATIONS
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to Count One of the Information.

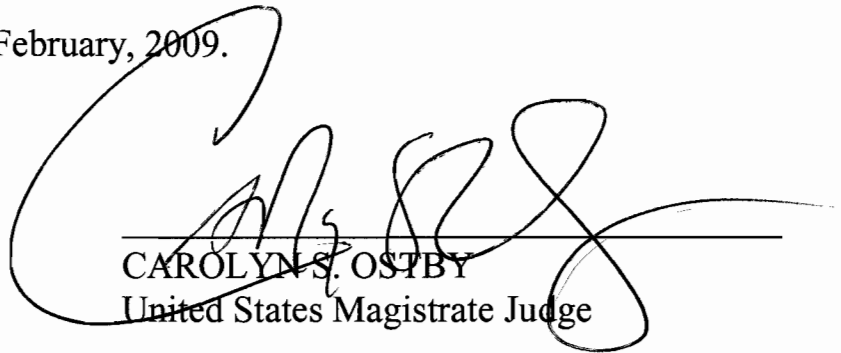
After examining the Defendant under oath, the Court determined that the guilty plea was knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offense charged and to which a guilty plea was entered contained each of the essential elements of the offense.

The Court further concludes that the Defendant had adequate time to review

the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. A presentence report has been ordered. Should the Court accept this recommendation, sentencing shall be set by Senior Judge Shanstrom.

Objections to these Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 5th day of February, 2009.



CAROLYN S. OSTBY
United States Magistrate Judge